

**'IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

FILED

SEP 10 2021

**CLERK, U.S. DISTRICT COURT
NORFOLK, VA**

APRIL M.,

Plaintiff

v.

CIVIL ACTION NO. 2:20cv194

**ANDREW SAUL,
COMMISSION OF
SOCIAL SECURITY ADMINISTRATION,**

Defendant.

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation on April M.'s ("Plaintiff") complaint for judicial review of the final decision of the Commissioner of Social Security ("Defendant") denying Plaintiff's claim for supplemental security income benefits and disability insurance benefits. On February 25, 2021, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. On February 26, 2021, Plaintiff was directed to file with 30 days a Motion for Summary Judgment with memorandum supporting her contentions and containing a state of undisputed facts. (ECF No. 19). Plaintiff failed to file a Motion for Summary Judgment, or otherwise respond to the Court's direction, by the deadline date. On April 12, 2021, SSA moved to have the case dismissed for lack of prosecution. (ECF Nos. 20-21). On May 4, 2021, the Court issued a Show Cause Order directing her to show cause why her Complaint should not be dismissed for failure to prosecute or

to comply with the Rules and Order of the Court. (ECF No. 23). Plaintiff failed to respond to the Court's Show Cause Order within the time limit set out in the Order. On May 28, 2021, after the deadline date set out in the Show Cause Order, Plaintiff filed a motion for extension of time to respond. (ECF No. 24). Plaintiff's motion did not, however, specify the time for the extension, nor did it explain why the extension was being requested or why she failed to meet the previous deadlines. On June 22, 2021, the Court entered a second Order to Show Cause directing Plaintiff to show cause within seven days (or June 29, 2021) why her Amended Complaint should not be dismissed for failure to prosecute. (ECF No. 25). On June 29, 2021, Plaintiff telephoned the Court stating she would be filing another Motion for Extension of Time. On June 2, 2021, after the third extension had expired, Plaintiff filed a letter response requesting 30-45 days to get her "full medical history. In addition to being untimely, the letter was not certified as served on opposing counsel. On July 6, 2021, the Magistrate Judge filed his report recommending that the Defendant's Motion to Dismiss be granted and the instant action be dismissed. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations the Magistrate Judge made. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby **ACCEPT** the findings and recommendations set forth in the report of the United States Magistrate Judge filed July 6, 2021, and it is therefore **ORDERED** that the Commissioner's Motion to Dismiss is **GRANTED** and this case is **DISMISSED**.

The Clerk shall mail a copy of this final Order to counsel for the parties.

IT IS SO ORDERED.

Norfolk, Virginia
September 10, 2021



Raymond A. Jackson
United States District Judge